

City of Hampton

PERSONNEL ADMINISTRATIVE PROCEDURES

DATE: November 8, 2001	CHAPTER: 8	PAI No. 7
REFERENCES: None	SUBJECT: Weapons in the Workplace	

The city is dedicated to maintaining the safest working environment for its members (defined as employees, volunteers, elected officials and individuals providing temporary services through an outside agency). The city prohibits members from possessing, brandishing or using any weapon while working, acting as a representative of the city, in a city-insured vehicle, in a vehicle being used for city business, and/or on city-owned or city-leased property (to include, but not be limited to, surrounding areas such as sidewalks, walkways, driveways and parking lots under the city's ownership or control), and at city-sponsored functions such as picnics or parties. The term "weapon" includes, but is not limited to, the following: pocket or pen knife with a blade of three inches or longer, any firearm or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, ballistic knife, gravity knife, bow and arrow, electronic stunning device, razor, oriental dart, slingshot, spring stick, metal knuckles, blackjack, nunchuck, fighting chains or any object that is used as a weapon.

The only members who are exempt from these restrictions are sworn Police Officers, Corrections Officers, Fire Investigators, Park Rangers and Code Enforcement personnel who are authorized to carry and use a weapon in the course of their work or those granted an exception by their Department Head in order to perform their job functions. To be allowed to possess a weapon under the exceptions noted, members must have completed any required training regarding the possession and/or use of the weapon and have satisfied any certification requirement mandated by federal, state or local law, rule or regulation. The prohibition against possession of a weapon on city-owned or city-leased property applies even if a member has a license to carry a firearm or weapon and/or a permit to carry a concealed weapon.

The city will work with law enforcement agencies in the prosecution of any member of the public who commits or threatens to commit a violent act on city-owned or city-leased. Members of the public who possess, use, or threaten to use a weapon or firearm on city-owned or city-leased property will be subject to criminal prosecution.

Members who become aware or have reason to believe that this policy is being violated shall immediately report the incident to their supervisor, department head or Director of Human Resources or his/her designee.

If members are in an emergency situation involving the use or threatened use of a weapon, they or their supervisor shall immediately contact the Police Department by dialing 911. The supervisor (or another appropriate party mentioned above) shall be informed as soon as possible. The city does not expect supervisors or employees who are not law enforcement personnel to become physically involved or to place themselves at risk. In non-emergency situations, if the questionable conduct may constitute a criminal offense, the member shall contact the Police Department (727-6111) within a reasonable time to report the matter so that the police may determine if a criminal investigation is warranted.

If supervisors receive information that a member covered by this policy is engaged in conduct that would be a violation of this policy, they shall take the appropriate steps to obtain further information to include, but not be

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limited to, interviewing individuals who may have knowledge of the conduct. Supervisors shall document the steps they took in their review as well as the results of the review. Supervisors shall make the Director of Human Resources or his/her designee aware of any matter that involves a violation or potential violation of this policy.

If the supervisor finds, after completing the investigation, that the member violated this policy, appropriate disciplinary action shall be taken, up to and including dismissal. For non-employee violators of this policy, appropriate action shall be taken considering the totality of the circumstances. In a case involving violence or a threat thereof, the supervisor shall, in consultation with the Department of Human Resources and/or the City Attorney's Office, take reasonable steps necessary to provide appropriate safeguards in the workplace.

If supervisors become aware of a situation or receive a complaint involving a member from another department, they shall notify the Department Head of the other department about the matter so that the Department Head may initiate an investigation.

If the Police Department becomes involved in a criminal investigation of a member, the member's supervisor shall contact the appropriate supervisor in the Police Department. Supervisors will cooperate with the police investigation while conducting or completing their own inquiry into the situation.

If the city has reasonable suspicion to believe a member may be violating this policy or any other city or department policy by the possession and/or use of prohibited weapons. The member may be asked to consent to a search of their person. In addition, in enforcement of this policy, the city reserves the right to search property under the control of a member. Property subject to search includes, but is not limited to, offices, computers, computer files, computer drives, City vehicles, file cabinets, desks and lockers. The scope of any search and the manner in which it is performed will conform to applicable legal requirements.

Members who violate this policy will be subject to removal from the property and to discipline, up to and including dismissal. Depending on the totality of the circumstances, dismissal may be the appropriate sanction even for a first infraction. In addition to any discipline or other appropriate action that may be imposed, in appropriate circumstances the city may initiate prosecution against a violator of this policy or, in its discretion, lend reasonable assistance to an individual to prosecute the offender.

It is the member's responsibility to check with management first before bringing a potentially prohibited item into the workplace.

A member who reports information in good faith in accordance with this policy will not be subject to retaliation or discipline by the city solely for making the report.

This policy is not intended to create any duty to act by the city which is not otherwise required by law.

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